

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

OSCAR FERNANDEZ INDIVIDUALLY AND AS
ADMINISTRATOR OF THE ESTATE OF ISIDRO
FERNANDEZ,

PLAINTIFF,

V.

TYSON FOODS, INC., TYSON FRESH MEATS,
INC., JOHN H. TYSON, NOEL W. WHITE, DEAN
BANKS, STEPHEN R. STOUFFER, TOM
BROWER, TOM HART, CODY BRUSTKERN,
JOHN CASEY, AND BRET TAPKEN,

DEFENDANTS.

Case No. 6:20-CV-2079-LRR

MOTION TO DEFER DEADLINES UNTIL
MOTION TO REMAND IS DECIDED

Plaintiff, through counsel, respectfully requests a stay of all pending deadlines as follows:

1. On October 2, 2020, Defendants Tyson Foods, Inc. and Tyson Fresh Meats, Inc. jointly removed this case from state court. Plaintiffs filed a Motion to Remand on November 2, 2020 and briefing was completed on November 16, 2020. The Court has not yet decided this matter.
2. To conserve judicial resources and to promote judicial efficiency, Plaintiff requests that the Court defer all pending and forthcoming deadlines until after the Motion to Remand is resolved.
3. Nevertheless, because today is the Parties' deadline to file a proposed scheduling order and discovery plan, the Parties have conferred in good faith and intend to jointly file a proposed schedule and discovery plan later today.
4. Plaintiff will also file a second amended complaint later today.

5. In addition, the Parties intend to jointly file a motion to consolidate this case with *Buljic v. Tyson Foods, Inc., et al.*, 6:20-cv-0205 for discovery and pretrial scheduling purposes only.

6. While Plaintiff continues to comply in good faith with scheduling deadlines, he does not intend to waive the right to remand by amending the complaint, jointly filing a proposed schedule and discovery plan, jointly filing a motion to consolidate, or by otherwise continuing to comply with Court imposed deadlines.

7. Opposing counsel indicated that they do not intend to resist this motion.

8. The Court previously extended the motion(s) to dismiss deadline to January 4, 2021.

9. No Party will be prejudiced by this request.

DATED this 22nd day of December 2020.

/s/ Gabriel Phillips
Mel C. Orchard, III (admitted *pro hac vice*)
G. Bryan Ulmer, III (admitted *pro hac vice*)
Gabriel Phillips (admitted *pro hac vice*)
The Spence Law Firm, LLC
15 S. Jackson Street, P.O. Box 548
Jackson, WY 83001
307.337.1283 / 307.337.3835 (fax)
orchard@spencelawyers.com
ulmer@spencelawyers.com
phillips@spencelawyers.com

Thomas P. Frerichs (AT0002705)
Frerichs Law Office, P.C.
106 E. 4th Street, P.O. Box 328
Waterloo, IA 50704-0328
319.236.7204 / 319.236.7206 (fax)
tfrerichs@frerichslaw.com

Attorneys for the Plaintiff